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Attorneys for Plaintiff
YUGA LABS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YUGA LABS, INC.,

Plaintiff and
Counterclaim Defendant,

v.

RYDER RIPPS and JEREMY CAHEN,

Defendants and
Counterclaim Plaintiffs.

Case No.: 2:23-cv-00010-APG-NJK

**[USDC, Central District of California
Civil Case No. 2:22-cv-4355-JFW-JEM]**

**YUGA LABS, INC.'S NOTICE OF NON-
OPPOSITION TO MOTION TO COMPEL
NON-PARTY RYAN HICKMAN'S
COMPLIANCE WITH SUBPOENA AND
MOTION TO REDACT AND SEAL
PORTIONS OF MOTION TO COMPEL
AND DECLARATION OF KIMBERLY
CULP IN SUPPORT THEREOF**

I. INTRODUCTION

Pending before this Court is Plaintiff Yuga Labs, Inc.’s Motion to Compel Non-Party Ryan Hickman’s Compliance with Subpoena (ECF Nos. 10-13) and Motion to Redact Portions of its Motion to Compel and Declaration of Kimberly Culp in Support Thereof and to Seal Exhibit P Thereto (ECF No. 9) (“Motions”). Mr. Hickman has failed to file a response in opposition to the Motions, and the time to do so has passed. Accordingly, pursuant to Civil Local Rule 7-2(d), and for good cause shown, Yuga Labs hereby requests that the Court grant its Motions.

II. ARGUMENT

The Federal and Local Rules provide parties 14 days to respond to motions that are personally served and 17 days to respond to motions served by mail. L.R. 7-2(b) (“[T]he deadline to file and serve any points and authorities in response to [a] motion is 14 days after service of the motion.”); Fed. R. Civ. P. 6(d) (“When a party must act within a specified time after being served and service is made under Federal Rule of Civil Procedure 5(b)(2)(C) (mail), . . . 3 days are added after the period would otherwise expire.”). “The failure of an opposing party to file points and authorities in response to [a] motion . . . constitutes a consent to the granting of the motion.” L.R. 7-2(d).

Mr. Hickman was properly served with Yuga Labs’ Motions by mail through the United States Postal Service to his home address on Friday, January 6, 2023. *See* Fed. R. Civ. P. 5(b)(2)(C); ECF Nos. 9-13. Pursuant to Local Rule 7-2(b) and Federal Rule of Civil Procedure 6(d), Mr. Hickman’s response was due on or before Monday, January 23, 2023 (17 days after service of the Motions by U.S. mail). The January 23 deadline came and went, and Mr. Hickman failed to respond to Yuga Labs’ Motions, despite receiving ample notice of the Motions.¹ Indeed, even if Yuga Labs’ service by mail on January 6, 2023, were somehow improper (it is not), Yuga Labs also personally served Mr. Hickman on Friday, January 13, 2023. ECF No. 14. Calculating from this date, Mr. Hickman’s response would have been due on Friday, January 27, 2023 (14

¹ Mr. Hickman was also served the Motions via email on January 6, 2023 (ECF Nos. 9-13).

1 days after personal service), yet he *still* failed to respond to the Motions. L.R. 7-2(b). As of the
 2 filing date of this Notice of Non-Opposition, one week after his response was due, Mr. Hickman
 3 has yet to file a single response to the Motions.

4 Mr. Hickman's failure to timely respond constitutes consent to the granting of the
 5 Motions. L.R. 7-2(d). Courts in this district routinely grant motions to compel and motions to
 6 seal when the opposing party does not file a response. *See Sprint Nextel Corp. v. Ace Wholesale,*
 7 *Inc.*, No. 2:14-cv-2119-RFB-VCF, 2015 WL 3649623, at *3 (D. Nev. June 10, 2015) (granting
 8 motion to compel subpoenaed third parties to produce documents where opposing party did not
 9 file a response because "the failure of an opposing party to file points and authorities in response
 10 to any motion shall constitute a consent to the granting of the motion."); *DelVecchia v. Frontier*
 11 *Airlines, Inc.*, 2022 WL 3146322, at *1 (D. Nev. Aug. 5, 2022) (granting unopposed motion to
 12 seal documents in support of motion to compel). Given Mr. Hickman's *de facto* consent to the
 13 Motions, and Yuga Labs' arguments and authority in support of its Motions, this Court should
 14 grant the Motions.

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1 **III. CONCLUSION**

2 Based on the foregoing, and for good cause shown, Yuga Labs respectfully requests that
 3 this Court grant its Motion to Compel Non-Party Ryan Hickman's Compliance and Motion to
 4 Redact Portions of its Motion to Compel and Declaration of Kimberly Culp in Support Thereof
 5 and to Seal Exhibit P Thereto in accordance with the concurrently filed Proposed Order.

6 Dated: January 30, 2023

FENNEMORE CRAIG P.C.

7
 8 By: /s/ John D. Tennert III

9 JOHN D. TENNERT III (NSB 11728)

10 and

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15 ETHAN M. THOMAS (CSB 338062)

(*Pro hac vice forthcoming*)

16 *Attorneys for Plaintiff Yuga Labs, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023, I served a true and correct copy of the following documents were served via email and U.S. mail:

- YUGA LABS, INC.'S NOTICE OF NON-OPPOSITION TO MOTION TO COMPEL NON-PARTY RYAN HICKMAN'S COMPLIANCE WITH SUBPOENA AND MOTION TO REDACT AND SEAL PORTIONS OF MOTION TO COMPEL AND DECLARATION OF KIMBERLY CULP IN SUPPORT THEREOF

addressed as follows:

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Served via email, U.S. mail and will be served by personal service to:

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/s/ Debbie Sorensen
 An Employee of Fennemore Craig, P.C.

INDEX OF EXHIBITS

Exhibit No. Description

1 (Proposed) Order